

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

#3

(COMPLETE IF KNOWN)

Application Number	09/599,382
Filing Date	June 22, 2000
Group Art Unit	2755
Examiner	To be assigned

Attorney Docket Number	3568/7
First Named Inventor	Louis M. Franco

This declaration is (check one):

submitted with initial filing;  
 submitted after initial filing;  
 a supplemental declaration.

This application is of the following type:

utility;  
 design;  
 national stage of PCT;  
 divisional, continuation or continuation-in-part.

**As a below named inventor, I hereby declare that:**

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (*if only one name is listed below*) or an original, first and joint inventor (*if plural names are listed below*) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### SYSTEM AND METHOD FOR DELIVERING REMOTELY STORED APPLICATIONS AND INFORMATION

the specification of which: (check one)

is attached hereto; or  
 was filed on June 22, 2000 as U.S. Application Serial No 09/599,382 and is/was amended on \_\_\_\_\_ (*if applicable*);  
 was described and claimed in PCT International Application No. \_\_\_\_\_, filed on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (*if applicable*).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby identify below, and where indicated claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) or §§ 365(a)-(b) of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America, filed within 12 months (6 months for design) prior to this application, and have also identified below any foreign application(s) for patent or inventor's

certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed (if any):

Foreign/PCT Application Number	Country	Filing Date (MM/DD/YYYY)	Priority Claimed	
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No
			<input type="checkbox"/> Yes	<input type="checkbox"/> No

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below (if any):

Provisional Application No.	Filing Date
60/153,917	September 14, 1999

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S./PCT Parent Application No.	Filing Date	Status (Patented, Pending, or Abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

As a named inventor, I hereby appoint the following attorney(s) or agent(s) with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**Seth H. Ostrow, Reg. No. 37,410**  
**Jonathan T. Kaplan, Reg. No. 38,935**  
**Matthew J. Marquardt, Reg. No. 40,997**  
**Katrine A. Levin, Reg. No. 41,941**  
**Michael Malish, Reg. No. 41,968**  
**Karen Nemeth, Reg. No. P46,265**  
**James J. Woods, Reg. No. 47,184**

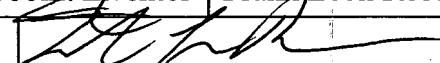
**Frank J. DeRosa, Reg. No. 26,543**  
**Louis J. Greco, Reg. No. 41,799**  
**Pamela G. Maher, Reg. No. 40,712**  
**Frederick Yu, Reg. No. 45,251**  
**Michael K. Kinney, Reg. No. 42,740**  
**Brooke W. Quist, Reg. No. 45,030**

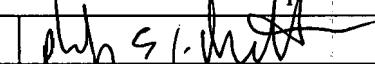
Direct all correspondence to:

Seth H. Ostrow, Esq.  
Brown Raysman Millstein Felder & Steiner LLP  
120 West 45<sup>th</sup> Street  
New York, New York 10036

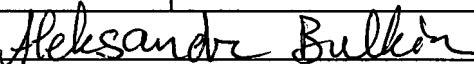
Direct all telephone calls to: (212) 944-1515

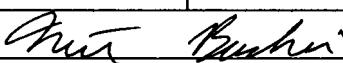
Full Name of Sole or First Inventor	Louis M. Franco		
Inventor's Signature		Date	11-8-2000
Residence	Hoboken, NJ	Citizenship	USA
Post Office Address	508 Bloomfield Street, #4, Hoboken, NJ 07030		

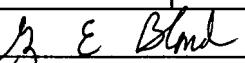
Full Name of Second Joint Inventor	Frank Leon Rose		
Inventor's Signature		Date	8 Nov 2000
Residence	Brooklyn, NY	Citizenship	USA
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Full Name of Third Joint Inventor	Philip S. J. Brittan		
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Full Name of Fourth Joint Inventor	Mark Cunningham		
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Full Name of Fifth Joint Inventor	Alex Bulkin		
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Full Name of Sixth Joint Inventor	Mat Baskin		
Inventor's Signature		Date	11/8/2000
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Full Name of Seventh Joint	Greg Blonder		
Inventor's Signature		Date	8/29/00
Residence	Summit, NJ	Citizenship	USA
Post Office Address	112 Mountain Avenue, Summit, NJ 07901		

(check one) Sheets containing additional joint inventors  are,  are not attached hereto.



Docket No. 3568/7

#3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant or Patentee : Louis M. Franco et al.  
Application No. : 09/599,382  
Filed : June 22, 2000  
For : **SYSTEM AND METHOD FOR DELIVERING  
REMOTELY STORED APPLICATIONS AND  
INFORMATION**

**DECLARATION CLAIMING SMALL ENTITY STATUS  
UNDER 37 C.F.R. §1.9(f) & 1.27(b) - SMALL BUSINESS CONCERN**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby declare that I am an official of the small business concern and empowered to act on behalf of the concern identified below:

Droplet, Inc.  
636 Avenue of the Americas, Suite 2B  
New York, New York 10011-2020

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 C.F.R. 121.3-18, and reproduced in 37 C.F.R. 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the

average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **SYSTEM AND METHOD FOR DELIVERING REMOTELY STORED APPLICATIONS AND INFORMATION** described in the specification filed June 22, 2000.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37. C.F.R. 1.9(4) or by any concern which would not qualify as a small business concern under 37. C.F.R. 1.9(d) or a non-profit organization under 37. C.F.R. 1.9(e).

- No such individual, concern, or organization exists.
- Each such individual, concern, or organization is listed below:

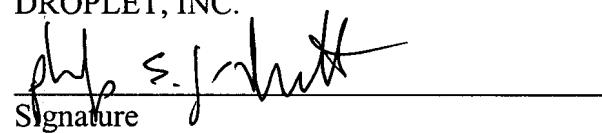
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issuing thereon, or any patent to which this verified statement is directed.

DROPLET, INC.

Dated: 8 Nov 2000



Signature

By: Philip S.J. Brittan

Title: President and C.E.O.

HARTFORD 42962v01